

Remarks in Support of Patentability

In the course of rejecting claims 36 and 37, the examiner asserts that Japanese patent abstract 59-82936 allegedly discloses a “gravimetric blender comprising a housing with an upstanding panel 13 (Figures 1-2); a topless openable weigh bin 5 connected to said housing; means 6, facingly connected to said panel 13 as seen in Figure 2, for sensing weight of the material in the bin 5; a mixed chamber 8 below said bin and connected to said housing and including mixing means 39 therewithin; means 7, 36, 37 for selectively opening said bin for releasing material in said bin 5 downwardly into said mixed chamber 8; the bin 5 bottom portion includes a slope openable bottom (Figures 1-2).”

Applicant has amended claim 36 to distinguish claim 36 over Japanese patent publication abstract 59-82936. Specifically, claim 36 has been amended to recite that the means for selectively opening the bin operates “by pivoting a movable bottom portion of the bin about a horizontal axis to a position beneath a stationery bottom portion of the bin for free downward flow of material from the bin” downwardly into the mix chamber “through space vacated by the movable bottom portion of the bin upon the pivoting movement thereof.” Applicant respectfully submits that this patentably and unobviously distinguishes claim 36 over Japanese patent publication 59-82936. The bin 5 referred to by the examiner may or may not have a sloped openable bottom portion as alleged by the examiner; applicant cannot discern this from the drawing figures. Even if the sloped bottom portion of bin 5 of Japanese patent publication 59-82936 is openable, as asserted by the examiner, applicant respectfully submits there is no disclosure of that putative openable portion “pivoting...about a horizontal axis to a position beneath a stationery bottom portion of the bin” thereby to permit free downward flow of material

from the bin through space vacated by the movable bottom portion of the bin upon the pivoting movement thereof, as recited now in amended claim 36.

Applicant submits that bin 5 in the Japanese publication appears to be somewhat like a funnel, with a valve at the bottom actuated by opening device 7, which apparently reciprocates vertically to open and close aperture 38 by moving some sort of a circular disk towards and away from the circular, downwardly opening aperture formed at the bottom of funnel-like bin 5. Applicant respectfully submits there is nothing in the Japanese patent publication suggesting, much less disclosing, the structure of applicant's invention as now recited in amended independent claim 36. Reconsideration and withdrawal of the rejection of claim 36 is respectfully solicited.

Claim 37, which depends from claim 36, has been amended to provide consistency with claim 36 as amended and recites now that the "bin movable bottom portion moves to beneath the stationery openable bottom portion, to open the bin for downward flow of material from the bin substantially without impinging the movable bottom portion." Applicant believes this amendment to claim 37, together with the amendments to claim 36 discussed above, defines structure which is not foreshadowed or rendered obvious, much less disclosed, by Japanese patent publication 59-82936. Accordingly, reconsideration and withdrawal of the rejection of claim 37 made under 35 USC 102(b) on the basis of Japanese patent publication 59-82936 is respectfully solicited.

To the extent there is any fee required in connection with the receipt, acceptance and/or consideration of this paper and/or any accompanying papers submitted herewith, please charge all such fees to Deposit Account 50-1943.

Respectfully submitted,



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DATE: 11-28-05

